

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO.: 5:05CV253**

)	
R.J. Reynolds Tobacco Company,)	
)	
Plaintiff,)	
)	
vs.)	
)	
)	
Market Basket Food Stores, Inc., <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	

**CONSENT ORDER OF DISMISSAL WITH PREJUDICE OF
DEFENDANTS DAVE RITCHIE, DAVE’S DISTRIBUTING,
HOBART ANDERSON AND DWI WHOLESALE, LLC**


The Court considered the respective Joint Motions to Dismiss of Plaintiff R.J. Reynolds Tobacco Company (hereinafter “RJRT”) and Defendants Dave Ritchie and Dave’s Distributing (collectively the “Dave’s Distributing Defendant Group”) and Hobart Anderson and DWI Wholesale, LLC (collectively the “DWI Defendant Group”) brought under Federal Rule of Civil Procedure 41(a)(2), and acknowledges that all matters among and between those parties which were or could have been asserted in the above-referenced lawsuit have been resolved by respective agreements between them.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all causes of action or claims asserted by RJRT against the Dave’s Distributing Defendant Group and the DWI Defendant Group in the above-referenced lawsuit, or which could have been asserted by RJRT against those parties, or vice versa, are dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this order does not dismiss RJRT's claims against the remaining Defendants in this action, all such claims being expressly reserved by RJRT.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as between RJRT and the Dave's Distributing Defendant Group and the DWI Defendant Group, each party shall be responsible for their respective legal fees and court costs.

Signed: February 14, 2007

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

